



SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

**United States Patent Application**

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **CEA/NCA-BASED DIFFERENTIATION CANCER THERAPY.**

The specification of which was filed on August 11, 2000 as application serial no. 09/637,530 and was amended on August 11, 2000.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

Foreign application(s), if any, claiming priority under 35 U.S.C. § 119:

<u>Application Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>
2,224,129	Canada	12/02/1998

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
PCT/CA99/00119	February 11, 1999	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Huebsch, Joseph C.	Reg. No. 42,673	Nelson, Albin J.	Reg. No. 28,650
Beekman, Marvin L.	Reg. No. 38,377	Jurkovich, Patti J.	Reg. No. 44,813	Nielsen, Walter W.	Reg. No. 25,539
Bianchi, Timothy E.	Reg. No. 39,610	Kalis, Janal M.	Reg. No. 37,650	Oh, Allen J.	Reg. No. 42,047
Billion, Richard E.	Reg. No. 32,836	Kaufmann, John D.	Reg. No. 24,017	Padys, Danny J.	Reg. No. 35,635
Black, David W.	Reg. No. 42,331	Klima-Silberg, Catherine I.	Reg. No. 40,052	Parker, J. Kevin	Reg. No. 33,024
Brennan, Leoniede M.	Reg. No. 35,832	Kluth, Daniel J.	Reg. No. 32,146	Perdok, Monique M.	Reg. No. 42,989
Brennan, Thomas F.	Reg. No. 35,075	Lacy, Rodney L.	Reg. No. 41,136	Prout, William F.	Reg. No. 33,995
Brooks, Edward J., III	Reg. No. 40,925	Lemaire, Charles A.	Reg. No. 36,198	Schumm, Sherry W.	Reg. No. 39,422
Chu, Dinh C.P.	Reg. No. 41,676	LeMoine, Dana B.	Reg. No. 40,062	Schwegman, Micheal L.	Reg. No. 25,816
Clark, Barbara J.	Reg. No. 38,107	Lundberg, Steven W.	Reg. No. 30,568	Scott, John C.	Reg. No. 38,613
Clise, Timothy B.	Reg. No. 40,957	Macyaert, Paul L.	Reg. No. 40,076	Smith, Michael G.	Reg. No. 45,368
Dahl, John M.	Reg. No. 44,639	Maki, Peter C.	Reg. No. 42,832	Speier, Gary J.	Reg. No. 45,458
Drake, Eduardo E.	Reg. No. 40,594	Malen, Peter L.	Reg. No. 44,894	Steffey, Charles E.	Reg. No. 25,179
Embretson, Janet E.	Reg. No. 39,665	Mates, Robert E.	Reg. No. 35,271	Terry, Kathleen R.	Reg. No. 31,884
Fordenbacher, Paul J.	Reg. No. 42,546	McCrackin, Ann M.	Reg. No. 42,858	Tong, Viet V.	Reg. No. 45,416
Forrest, Bradley A.	Reg. No. 30,837	Moore, Charles L., Jr.	Reg. No. 33,742	Viksins, Ann S.	Reg. No. 37,748
Gamon, Owen J.	Reg. No. 36,143	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440
Harris, Robert J.	Reg. No. 37,346				

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:

**P.O. Box 2938, Minneapolis, MN 55402**  
**Telephone No. (612)373-6900**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Clifford P. Stanners**

Citizenship: **Canada**

Residence: **Quebec, Canada**

Post Office Address: **52 Linden  
Baie dUrfe  
Quebec H9X 3K3  
Canada**

Signature: \_\_\_\_\_

*Clifford P. Stanners*

Clifford P. Stanners

Date: \_\_\_\_\_

*Feb 14, 2001*

Full Name of joint inventor number 2 : **Christian Ilantzis**

Citizenship: **Canada**

Residence: **Longueuil, Canada**

Post Office Address: **550 Varennes  
Apt. 206  
Longueuil J4L 4ES  
Canada**

Signature: \_\_\_\_\_

*C. Ilantzis*

Christian Ilantzis

Date: \_\_\_\_\_

*Feb. 13, 2001*

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 186.009US1  
Serial No. 09/637,530  
Filing Date: August 11, 2000

Page 3 of 4

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3 : Cosme Ordonez-GarciaCitizenship: CubaPost Office Address: 4998 de Maisonneuve West  
Apt. 1119  
Westmount, Quebec H3Z 1N2  
CanadaResidence: Westmount, Quebec, Canada

Signature: \_\_\_\_\_

Cosme Ordonez Garcia  
Cosme Ordonez-Garcia

Date: \_\_\_\_\_

February 13, 2001Full Name of joint inventor number 4 : Maryam TaheriCitizenship: IranPost Office Address: 1400 Pine Avenue West  
Apt. 1006  
Montreal, Quebec H3G 1B1  
CanadaResidence: Montreal, Quebec, Canada

Signature: \_\_\_\_\_

M. Taheri  
Maryam Taheri

Date: \_\_\_\_\_

Feb 14, 2001Full Name of joint inventor number 5 : Robert A. ScreationCitizenship: CanadaPost Office Address: 235 Somerset 7215 CARLETON CT. #81  
Apt 1005 SAN DIEGO, CALIFORNIA  
Ottawa, Ontario K2P 0J3 U.S.A. 92122  
CanadaResidence: SAN DIEGO, CALIFORNIA, U.S.A.  
Ottawa, Ontario, Canada

Signature: \_\_\_\_\_

Robert A. Screation  
Robert A. Screation

Date: \_\_\_\_\_

Feb 19, 2001

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



Attorney Docket No. 186.009US1

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: CEA/NCA-BASED DIFFERENTIATION CANCER THERAPY.

The specification of which was filed on August 11, 2000 as application serial no. 09/637,530 and was amended on August 11, 2000.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(c).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

Foreign application(s), if any, claiming priority under 35 U.S.C. § 119:

<u>Application Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>
2,224,129	Canada	12/02/1998

I hereby claim the benefit under 35 U.S.C. § 119(c) of any United States provisional application(s) listed below:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
PCT/CA99/00119	February 11, 1999	Pending

Attorney Docket No. 186 009US1  
 Serial No. 09637,530  
 Filing Date August 11, 2000

Page 2 of 5

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Angim, J. Michael	Reg. No. 24,918	Harris, Robert J.	Reg. No. 37,346	Nelson, Albu J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Hill, Stanley K.	Reg. No. 37,548	Nielson, Walter W.	Reg. No. 25,539
Beckman, Marvin L.	Reg. No. 38,377	Jackson Huettsell, Katharine A.	Reg. No. 47,670	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Jurkovich, Matti J.	Reg. No. 44,813	Parker, J. Kevin	Reg. No. 33,024
Bisson, Richard E.	Reg. No. 32,836	Kalis, Jani M.	Reg. No. 37,650	Perdik, Monique M.	Reg. No. 42,989
Black, David W.	Reg. No. 42,331	Kaufman, John D.	Reg. No. 24,017	Pearson, David C.	Reg. No. 47,857
Brennan, Lenniede M.	Reg. No. 35,832	Klima-Silberg, Catherine I.	Reg. No. 40,052	Prout, William F.	Reg. No. 33,995
Brennan, Thomas F.	Reg. No. 35,075	Kluth, Daniel J.	Reg. No. 32,146	Schuman, Sherry W.	Reg. No. 39,422
Brooks, Edward J. III	Reg. No. 40,925	Lacy, Rodney L.	Reg. No. 41,136	Schwegman, Michael L.	Reg. No. 25,816
Clark, Barbara J.	Reg. No. 38,107	Lamarre, Charles A.	Reg. No. 36,198	Scott, John C.	Reg. No. 38,613
Cliss, Timothy B.	Reg. No. 40,957	LeMone, Dana B.	Reg. No. 40,062	Smith, Michael G.	Reg. No. 45,368
Dahl, John M.	Reg. No. 44,639	Lundberg, Steven W.	Reg. No. 50,568	Spicer, Gary J.	Reg. No. 45,458
Drake, Eduardo E.	Reg. No. 40,594	Macyaert, Paul L.	Reg. No. 40,076	Steffey, Charles E.	Reg. No. 25,179
Embrsson, Janet L.	Reg. No. 39,665	Maki, Peter C.	Reg. No. 42,832	Stordal, Leif T.	Reg. No. 46,251
Fortinbacher, Paul J.	Reg. No. 42,546	Malan, Peter L.	Reg. No. 44,894	Terry, Kathleen R.	Reg. No. 31,584
Forrest, Bradley A.	Reg. No. 30,837	Mates, Robert E.	Reg. No. 35,271	Tong, Vici V.	Reg. No. 45,416
Gamon, Owen J.	Reg. No. 36,143	McCrackin, Ann M.	Reg. No. 42,858	Vikstam, Ann S.	Reg. No. 37,748
Goryych, Joseph E.	Reg. No. 41,791	Moore, Charles L. Jr.	Reg. No. 33,742	Vogel, Peter J.	Reg. No. 41,363
Haack, John I.	Reg. No. 36,154	Numa, Kashi	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/scnt this case to them and by whom/which I hereby declare that I have consented after full disclosure to be reproduced unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1: Clifford P. Stanners

Citizenship: Canada

Residence: Quebec, Canada

Post Office Address: 52 Linden  
Bar d'Urfe  
Quebec H9X 3K3  
Canada

Signature: \_\_\_\_\_

Clifford P. Stanners

Date: \_\_\_\_\_

Full Name of joint inventor number 2: Christian Dantzis

Citizenship: Canada

Residence: Longueuil, Canada

Post Office Address: 550 Varennes  
Apt. 206  
Longueuil J4L 4E5  
Canada

Signature: \_\_\_\_\_

Christian Dantzis

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Antony Ducker No. 186.0091751

Serial No. 09/637,530

Filing Date: August 11, 2000

Page 3 of 5

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3 : Cosme Ordonez-Garcia

Citizenship: Cuba

Residence: Westmount, Quebec, Canada

Post Office Address: 4998 de Maisonneuve West  
Apt. 1119  
Westmount, Quebec H3Z 1N2  
Canada

Signature: \_\_\_\_\_

Cosme Ordonez-Garcia

Date: \_\_\_\_\_

Full Name of joint inventor number 4 : Maryam Taheri

Citizenship: Iran

Residence: Montreal, Quebec, Canada

Post Office Address: 1400 Pine Avenue West  
Apt. 1006  
Montreal, Quebec H3G 1B1  
Canada

Signature: \_\_\_\_\_

Maryam Taheri

Date: \_\_\_\_\_

Full Name of joint inventor number 5 : Robert A. Screation

Citizenship: Canada

Residence: Ottawa, Ontario, Canada

Post Office Address: 235 Somerset  
Apt. 1005  
Ottawa, Ontario K2P 0J3  
Canada

Signature: \_\_\_\_\_

Robert A. Screation

Date: \_\_\_\_\_

Full Name of joint inventor number 6 : Abraham Fuks

Citizenship: Canada

Residence: Quebec, Canada

Post Office Address: 1212 Pine Avenue West  
Apt. 1503  
Montreal  
Quebec H3G 1A9  
Canada

Signature: \_\_\_\_\_

Abraham Fuks

Date: April 6, 2001

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 136 009US1  
Serial No. 09637.530  
Filing Date: August 11, 2000

Page 4 of 5

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 7: H. Uri SaragoviCitizenship: CanadaResidence: Quebec, CanadaPost Office Address: 342 Lansdowne Avenue  
Westmount  
Quebec H3Z 2L4  
Canada

Signature: \_\_\_\_\_

H. Uri Saragovi

Date: \_\_\_\_\_

April 6, 2001

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



Attorney Docket No.: 186.009US1

Serial No. 09/637,530

Filing Date: August 11, 2000

Page 5 of 5

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to the patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.